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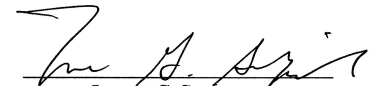
August 12, 2024

Via ECF

The Honorable Lorna G. Schofield, USDJ
 United States District Court
 Southern District of New York
 40 Foley Square, Room 1106
 New York, NY 10007

Dated: August 13, 2024
 New York, New York

Re: Saffer v. Convalt Energy, Inc. et al., Civ. A. No. 1:24-cv-1850


 LORNA G. SCHOFIELD
 UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

On behalf of Defendants Convalt Energy, Inc. (“Convalt”) and Hari Achuthan (“Achuthan”) (collectively, “Defendants”), we write pursuant to Section I.B.3 of the Court’s Individual Rules to respectfully request an extension of the current discovery deadlines and pre-motion conference dates as set forth below. Prior to filing this motion, Defendants’ counsel conferred with Plaintiff’s counsel, and counsel indicated he intends to oppose the instant request. The relief requested by this motion is not sought for purposes of delay, but rather to permit the parties sufficient time in which to complete all discovery-related activities as well as to engage in focused, good-faith settlement discussions between now and the parties’ Court-ordered settlement conference on August 22, 2024.¹

This is the first request to extend the discovery deadline in this matter which, as noted below, for all intents and purposes, did not begin until June 27, 2024, when Defendants answered (and filed counterclaims) to Plaintiff’s Second Amended Complaint. See Dkt. No. 44. We believe this request is reasonable for the following reasons: (i) the parties have yet to agree upon a confidentiality and protective order; (ii) the parties have yet to agree to an ESI protocol, which is required in light of the electronic discovery requests served by Plaintiff; (iii) lead defense counsel will be traveling internationally (for both business and a pre-planned vacation) for the period of September 2, 2024 through September 18, 2024; and (iv) lead defense counsel has a substantial arbitration proceeding in New York that is scheduled to begin October 1, 2024, which will necessitate time to prepare for the week prior to the hearing. All of the foregoing has and will have an impact on the ability of the parties to complete document production and, thereafter,

¹ The parties are scheduled for a Settlement Conference with Magistrate Judge Barbara Moses on August 22, 2024, and the parties are engaging in settlement negotiations. Defendants received Plaintiff’s initial settlement offer and submitted a counteroffer on August 9, 2024.



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proceed with depositions. Accordingly, Defendants respectfully move for an order to extend the current discovery deadlines by sixty (60) days, as set forth below:

Event	Current Date	Proposed Date
Discovery Deadline	September 3, 2024	November 2, 2024
Discovery Joint Status Letter	August 11, 2024	N/A
Post-Discovery Joint Status Letter	September 17, 2024	November 18, 2024
Pre-Motion Conference	September 18, 2024	November 19, 2024

For the Court's reference, although the original complaint in this case was filed March 12, 2024 (due to the Plaintiff's inability to properly plead his claims and serve his complaint on Defendant Achuthan), this case did not truly begin until approximately June 27th after Defendants answered Plaintiff's Second Amended Complaint. Fact discovery technically commenced before pleadings were completed. On June 26, 2024, Defendants sent Plaintiff their Initial Disclosures. Plaintiff sent his Initial Disclosures on June 27, 2024. On July 22, 2024, Defendants timely objected and responded to Plaintiff's first set of discovery requests. Plaintiff's objections and responses to Defendant's first set of discovery requests is due on August 21, 2024, less than two weeks before the current discovery deadline of September 3, 2024. Notably, and in addition to the scheduling conflicts noted above, Plaintiff's counsel has advised that he is unavailable for depositions during the majority of the two-week period between August 22, 2024, and the current discovery deadline (September 3, 2024).

Based on the foregoing, Defendants respectfully request a 60-day extension of the current fact discovery deadline, with corresponding extensions of the remaining discovery and post-discovery status reports and post-discovery conference dates. Counsel for Defendants would be happy to submit a revised scheduling Order for Your Honor's review and approval, or otherwise make themselves available at the Court's convenience to address this matter.

We thank Your Honor for her time and attention to this matter.

Respectfully submitted,

/s/ Joseph Piesco
Joseph A. Piesco, Jr., Esq.

cc: Michael Sweeney, Esq. (via ECF)